

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DIVISION**

JAMES HEYER,	'	
	'	
Plaintiff,	'	CIVIL ACTION NO. 3:10-CV-02570-P
	'	
v.	'	
	'	
TRANE U.S., INC.	'	
	'	
Defendant.	'	

PLAINTIFF'S MOTION TO DISMISS

Counsel for Plaintiff James Heyer ("Plaintiff") files this Motion to Dismiss without prejudice.

Plaintiff requests dismissal of Cause Number **3:10-CV-02570-P** for the following reason:

- A. JAMES HEYER HAS BEEN HOSPITALIZED FOR MANY WEEKS AND WILL BE SUBJECT TO SURGERY AND RECOVERY PERIODS THAT RENDER HIM UNABLE TO ASSIST IN THE PROSECUTION OF HIS CASE.

WHEREFORE, Plaintiff requests this Honorable Court to dismiss Cause Number **3:10-CV-02570-P**, without prejudice, and for such other and further relief that may be awarded at law or in equity.

Respectfully submitted,

By: _____



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 24th, 2011, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorney of record who has consented in writing to accept this Notice as service of this document by electronic means.

A handwritten signature in black ink, appearing to be 'DSM', written over a horizontal line.

Donald Scott Mackenzie

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	'	
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	'	
Defendant.	'	

**ORDER DISMISSING
CASE WITHOUT PREJUDICE**

On _____, the Court considered the Plaintiff's Motion to Dismiss Cause Number **3:10-CV-02570-P** and the arguments of counsel. After due consideration of the Motion, the Response thereto, and the arguments of counsel, the Court finds the motion is due to be **GRANTED** and orders the following:

Cause Number **3:10-CV-02570-P** is **DISMISSED, Without Prejudice.**

Signed on: _____, 2011.

PRESIDING JUDGE